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ALEXANDER L. STEVAS,
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No. 83-

IN THE

SUPREME COURT OF THE UNITED STATES

NANCY H. SCOTT,

Petitioner,

v.

ANTHONY I. SYLVESTER,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA

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September 13, 1983

QUESTION PRESENTED

Does this Court's opinion in Griffin v. Griffin require as a matter of due process both the retroactive modification of child support arrearages accrued under a Maryland support order which is enforced in Virginia and the treatment of support payments by the law of Maryland rather than the law of Virginia in direct contradiction to the express provisions of the Revised Uniform Reciprocal Enforcement of Support Act as enacted by the Virginia legislature?

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Petitioner Nancy H. Scott petitions for a writ of certiorari to the decision of the Supreme Court of Virginia, dated April 29, 1983, affirming the judgment of the Circuit Court of the City of Virginia Beach, Virginia, in treating a Maryland support order under the law of Maryland rather than under the law of Virginia contrary to the express statutory direction of the Virginia General Assembly.

OPINION BELOW

The opinion of the Virginia Supreme Court is annexed to this Petition as Appendix A.

JURISDICTION

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(3).

STATUTES

The statutory provisions invoked in this petition are Sections 20-88.12 through 20-88.31 of the Code of Virginia of 1950, as amended, and particularly Section 20-88.30:6(a) which is reproduced in Appendix B. These provisions are the Virginia enactment of the Revised Uniform Reciprocal Enforcement of Support Act promulgated by the National Conference of Commissioners of Uniform State Laws in 1968. Section 40(a) of the Uniform Act is also reproduced in Appendix B.

STATEMENT OF THE CASE

This suit was brought to recover arrearages in child support under the provisions of the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), §§20-88.12 - 20-88.31 of the Code of Virginia of 1950, as amended. The petitioner, and mother, seeks substantial arrearages in child support owed by the respondent, the father and petitioner's former husband, under the terms

of a Maryland support order enforced in Virginia under RURESA.

A. FACTS

The parties were divorced on January 4, 1968, by decree of the Circuit Court for Montgomery County, Mayland. The decree ordered the father to pay child support to the mother in the amount of $200.00 per month for each of the three minor children of the parties in the custody of the mother, or $600.00 per month. Thereafter the father fell into arrears in his payments and petitioned the Maryland court to reduce his support obligation. In an order dated August 27, 1973, the Maryland court denied the father's petition for reduction and awarded the mother judgment for $3,200.00 in arrearages that had accrued through March 1973. Subsequently the father fell into arrears again. In the meantime he had moved to Washington, D. C., and to recover these later arrearages the mother obtained a show cause order directed to the father in the Superior Court of the District of Columbia. That court's judgment of September 26, 1975, reduced the father's child support obligation but failed to determine the amount of arrearages due the mother. In the meantime, on August 2, 1975, the father had moved to Virginia Beach, Virginia. Petitioner therefore brought this suit in the

Virginia Beach courts to recover the child support arrearages that accrued between April 1, 1973, and September 26, 1975.

B. PROCEEDINGS BELOW

The mother, in July 1976, filed a verified statement under §20-88.30:5 of the Code of Virginia in the Juvenile and Domestic Relations District Court of the City of Virginia Beach seeking to register under RURESA the 1968 Maryland divorce decree of the parties and to recover unpaid child support under the decree in the amount of $9,160.50. The domestic relations court ruled on September 20, 1976, that the Maryland decree was properly registered under Virginia law and at the same time ordered, contrary to Virginia law set forth in §20-88.30:6(a), that the arrearages in child support owed by the father to the mother be retroactively modified. It awarded the mother $5,101.51. From this order the matter was appealed to the Circuit Court of the City of Virginia Beach.

The circuit court, by letter opinion of April 8, 1977, ruled that the statute precluded the court from exercising jurisdiction in the case prior to the time the defendant moved to Virginia. It therefore awarded the mother, by a decree dated November 17, 1977, $655.00, representing

the arrearages that accrued after the father moved to Virginia.

From this decision the mother appealed to the Supreme Court of Virginia. In an opinion of August 30, 1980, that Court reversed the lower court and held that it had jurisdiction to order payment of the full amount of arrearage accruing under the Maryland decree. Scott v. Sylvester, 220 Va. 182 (1979). Upon remand, the trial of the matter to establish the full arrears was held on January 17, 1980. On August 20, 1980, the court entered a decree which again retroactively modified the father's arrearage to $5,115.30. The mother appealed to the Supreme Court of Virginia a second time.

On April 29, 1983, the Supreme Court of Virginia affirmed the circuit court's retroactive modification of the child support arrearage on the grounds that due process mandated the application of Maryland law rather than Virginia law to assess the amount of arrearages actually due the mother. A petition for rehearing was denied on June 17, 1983.

From the decision of the Supreme Court of Virginia the petitioner appeals to this Court for reversal and a definitive interpretation of the requirements and limits of due process in order to uphold the statutory enactment

of not only the Virginia General Assembly voided by the final ruling of the court below, but also to uphold the intended effect of the same RURESA provision as enacted by the majority of state legislatures.

SUMMARY OF REASONS FOR GRANTING THE WRIT

The Revised Uniform Reciprocal Enforcement of Support Act is a national effort to resolve a national problem: The sure and effective enforcement of duly entered support orders throughout the nation regardless of the obligors' ability to move from State to State. The Uniform Commissioners promulgated a simple enforcement procedure for foreign support decrees, namely, that they be treated as if entered in the jurisdiction where the obligor currently resides. In this manner the courts of the several states need not become experts in the law of all other jurisdictions, the administration of justice is made more certain and efficient, and rulings do not propagate a multiplicity of confusing and inconsistent results with the end that every case becomes unendingly litigated.

This is particularly so in the situation presented by the instant case since some states allow retroactive modification of support decrees while others do not. The direction of the uniform act is to treat the foreign decree as if rendered in the State of enforcement. This resolution of a complicated problem has been endorsed by the enactment of the Act by virtually every state legislature in the nation.

The Virginia Supreme Court, however, unique among the states having ruled on the matter, views this procedure as a violation of due process. As such it leaves the obligee in a legal quandry and gives the delinquent obligor the upper hand in defying the obligation of support. In many cases, especially where the obligor has moved a considerable distance, he or she will escape the obligation altogether — as the obligor in this case has done for over eight years.

To justify this result in the name of due process flies in the teeth of all that makes our Constitution the basis of a lawful and orderly society. As stated more fully below, the authority for the Virginia court's unusual ruling, the case of Griffin v. Griffin, does not support its view and actually stands for the opposite result.

REASONS FOR GRANTING THE WRIT

As stated in the lower court's opinion of April 29, 1983, the resolution of this case turns on the treatment of one provision of the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), adopted in Virginia as § 20-88.30:6(a) of the Code of Virginia:

> Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this State. It has the same effect. . .and may be enofrced and satisfied in like manner. (Emphasis added.)

The child support order in this case was issued by a Maryland court, in which state the retroactive modification of support orders is permitted; whereas support ordered by Virginia courts becomes vested when due and is not retroactively modifiable. The basic question is thus posed whether the support order in this case is to be treated as a Maryland decree under Maryland law, and thus modifiable, or as a Virginia decree under Virginia law, and thus not modifiable.

Controverting the clear language and intent of the statute, the Virginia courts decided that the support order should be treated under the law of Maryland. The petitioner herein submits that the ruling of the lower court is in error and that courts in Texas, Indiana and Wisconsin in ruling on the same question contrary to Virginia are correct.

I. THE LOWER COURT'S RULING CONTROVERTS THE INTENT OF THE LEGISLATURE.

In the first place, it should be made clear that the lower court is not enunciating the Virginia General Assembly's intent. The sweeping, all-inclusive, and unequivocal language of § 20-88.30:6(a) yields no grounds for the opinion below under any rule of statutory construction. The statute refers categorically to foreign support orders and directs without qualification that they be treated as orders issued by a court of Virginia, with the same effect when enforced. The lower court, in fact, does not bother to even attempt to show that the language of the statute accords with its view.

In contrast, in interpreting the identical RURESA provision the Indiana Supreme Court held that ". . .the foreign support order, when confirmed by an Indiana court, becomes for all intents and purposes an Indiana support order." Greebel State ex rel. v. Endsley, 379 N.W2d 440, 441 (1978). (Emphasis added.) Similarly, the Texas Court of Appeals, in deciding the identical question presented by this case in exactly the opposite manner to Virginia, stated:

> [A] careful study of the Texas version of [URESA] . . .leads us to conclude that [the Act] did not intend to permit, in the registration procedure. . .the modification by a Texas Court of the registered foreign decree.
>
> . . .[I]t was error for the [lower] court to go beyond the provisions of the act and entertain appellee's motion to modify the support order. O'Halloran v. O'Halloran, 580 S.W2d 873 (1979).

It was clear to the Texas court, as it was to the Indiana court, that upon registration the foreign support order became for all intents and purposes a Texas order.[1] Neither the Indiana court nor the Texas court interposed

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1. The O'Halloran decision was followed and affirmed by the Texas Court of Appeals in Littrell v. Littrell, 601 S.W.2d 209 (1980), in which it entered a judgment for the total arrearages under a Virginia support decree as required by Texas law and refused to allow even prospective modification of the decree, directing the obligor to return to Virginia if he wanted such relief. The court construed the purpose of the act as follows:

> We have given careful consideration to the language and the rationale of O'Halloran and concur in the holdings therein. URESA was designed to enforce foreign support orders in this state by the establishment of a uniform procedural device. To permit the responding state to modify the order which it is called upon to enforce would thwart the laudable objectives of the framers of the legislation. It is apparent that the framers of URESA had in mind a procedure whereby foreign support orders could be enforced in the domicile of the obligor without involving the other issues in the parent-child relationship, including the modification of the terms of support orders.

due process restraints to the position here advocated by the petitioner.[2]

In discussing the law the Virginia court below refused to enforce in this matter, American Jurisprudence states:

> In addition to its general criminal and civil remedies for enforcement of the duties of support, the Uniform Reciprocal Enforcement of Support Act provides for another remedy if the duty of support is based on a foreign support order. The act provides for the registration in the courts of one state of support orders issued by the courts of another state by a verified petition, and the order when confirmed has the same force and effect as if it had been originally issued by the court of the registering state. 23 Am. Jur. 2d, Desertion and Nonsupport, § 155.

In sum, all authorities agree that the legislative intent of the statute is opposite to the ruling of the Virginia court in its April opinion. Even the Virginia court does not dispute the contrary legislative intent.

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2. In Monson v. Monson, 271 N.W.2d 137 (1978), the Wisconsin Court of Appeals followed Indiana and Texas in allowing the modification of a Minnesota support decree which was permitted under Wisconsin law but not permitted under Minnesota law. Monson was the reverse of the instant case and would be as if the petitioner were attempting to enforce a Virginia decree in Maryland.

II. THE LOWER COURT'S RULING REGARDING DUE PROCESS IS ERRONEOUS. THE RESPONDENT WAS NOT, AS A MATTER OF LAW, DENIED DUE PROCESS IN ANY RESPECT.

In the second place, then, the Virginia court is saying that Constitutional requirements prohibit Virginia from enforcing foreign support orders as if originally entered by its courts. It has failed, however, to identify the due process defect that requires the imposition of its view for that of the Virginia General Assembly. Following the indicia of such defects classically set forth in Nebbia v. New York, 291 U.S. 502, 525 there is no reason set forth to think that the rule followed in Indiana, Texas and Wisconsin is unreasonable, arbitrary or capricious when followed in Virginia, or that the means of enforcement recommended by the Virginia legislature is less reasonably related to the end sought to be accomplished than that recommended in Indiana, Texas or Wisconsin.

Specifically, the case of Griffin v. Griffin, 337 U.S. 220, 233-34 (1946), is cited by the Virginia court for its Constitutional authority. It should be brought to this Court's attention, however, that Griffin does not stand for the lower court's proposition. In Griffin this Court simply decided that Mr. Griffin had not received actual notice of Mrs. Griffin's New York proceeding to enforce

arrearages in support payments and therefore there was a lack of due process which precluded in personam jurisdiction. Consequently, the New York order was not entitled to full faith and credit in another jurisdiction.

The only due process requirement set forth by this Court in Griffin is the requirement of notice which is not at issue here. When the Court did address the modification question specifically, its thrust is exactly opposite to the presumption of the Virginia court:

> As we have said [citing previous opinions], where a decree for alimony is made the basis of an action in another jurisdiction, "'every reasonable implication must be resorted to against the existence of' a power to modify or revoke installments of alimony already accrued 'in the absence of clear language manifesting an intention to confer it.'" (Griffin at 233.) (Emphasis added.)

Thus this Court in dicta moved away from interposing due process considerations where modifiable decrees are concerned. The modification question is to be addressed only when the power is manifestly conferred. In the instant case, in the Virginia RURESA statute, and § 20-88.30:6(a) specifically, there is an absolute and total "absence of clear language manifesting an intention" to confer the power to modify arrearages already accrued. Under these circumstances the direction of this Court is

to use every reasonable implication against a power to modify accrued arrearages.

The misapplication of Griffin stems from a California case, Worthley v. Worthley, 283 P.2d 19 (1955), in which the California Supreme Court used Griffin appropriately for the unremarkable proposition "that actions to enforce retroactively modifiable decrees should be tried in a forum that has personal jurisdiction over both parties. . ." (Worthley, at 23.) That proposition applies to all decrees, whether or not they are modifiable. That the original New York decree happened to be modifiable was incidental in Griffin, which only held that by failing to give notice all available defenses were cut off in violation of judicial due process. (Griffin, at 228.) The Court never held that the right to modify the decree nunc pro tunc itself was Constitutionally guaranteed, or that the right could not be restricted by act of the legislature without violating due process.

The California court, nevertheless, went on and formulated a novel proposition that Griffin does not stand for but which was relied on by the Virginia court: ". . . and in the trial of such actions the defendant must be afforded an opportunity to set up any mitigating defenses that would be available to him if the suit were brought

in the state where the alimony or support decree was originally rendered." (Worthley, at 23.) (The emphasis, which is added, is critical.) This is not a holding of this Court and in citing Griffin for this proposition as regards the modification of foreign support orders the California court made a mistaken reading of the case. The wife, in Griffin, was attempting to enforce in the District of Columbia a judgment she had obtained in New York without notice to the husband. The husband's defense, sustained by this Court, was one of procedural due process, namely notice, and the Court never ruled on the proposition propounded by the California court regarding modification rights and the choice of laws question. To the extent it is mentioned as a matter by itself by this Court in Griffin (at 233), the instruction, as quoted above, is to seek every reasonable implication against the power to modify accrued alimony.

As a corollary matter, the crediting of payments according to the law of the rendering state is never mentioned in any case as a Constitutionally protected defense and no authority whatever exists for it to be treated other than pursuant to the terms of the RURESA as a matter of Virginia law, as both the petitioner and respondent happened to agree.

III. AS A MATTER OF FACT, THE RESPONDENT HAS NEVER BEEN DENIED DUE PROCESS; BUT THE PETITIONER HAS REPEATEDLY BEEN DISCRIMINATED AGAINST BY THE VIRGINIA COURTS AND DENIED HER FAIR MEASURE OF JUSTICE.

In the third place, as a matter of practical fact, the respondent was never denied due process. Specifically, he was never denied his day in the Maryland court. Over a period of several years he could have returned at any time to Maryland to seek the modification there he sought in Virginia when he was finally brought before a court. He did return once to Maryland and the court there denied the modification. Thus, from the evidence at hand, the petitioner would have been treated more fairly in the Maryland court than in the Virginia courts had she been able to proceed there. (She was advised by Maryland counsel that under Maryland law due process precluded her from proceeding there without personal service in Maryland on the respondent.)

If anyone has been denied due process in this matter it most certainly has been the petitioner, who was unable to get the father to return to the Maryland court for her day in the court where the matter would have been disposed of most efficiently, was forced as a North Carolina resident to seek justice in the courts of a foreign

jurisdiction, Virginia, where her former husband freely elected to reside, and has been put to a torturous course of litigation including more than thirty court appearances extending over a period of eight years to recover funds indisputedly ordered by the Maryland court, which the respondent contemptously refused to pay, and the value of which has now mostly been eroded away by inflation. It would be a tragedy in Constitutional law if, ironically, in the name of due process she is now denied a measure of justice.

IV. THE MISAPPLICATION OF DUE PROCESS BY THE COURT BELOW UNDERMINES A NATIONAL EFFORT TO ENFORCE SUPPORT ORDERS UNIFORMLY ACROSS STATE LINES.

In the fourth place, by creating a minority position in the interpretation of a uniform act on the grounds of Constitutional law, the Virginia Supreme Court has formed the groundwork for continual dispute and extensive litigation across the nation. The irony of the situation is that RURESA was designed for exactly the opposite reason: to form an efficient and effective means for obligees to enforce support decrees across state lines in the forum where the obligor resides. The purpose of the uniform act is set forth in the Code of Virginia as follows:

> The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. §20-88.12.

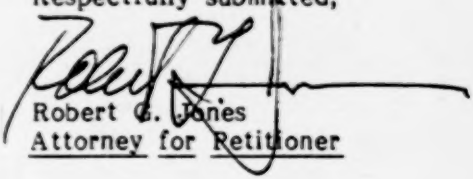
The court below, rather than furthering the remedial purposes of the act, has created a monumental roadblock to enforcement of support on the basis of a completely vague interpretation of due process. The effect of its ruling will be to give delinquent obligors across the nation another tool to thwart by time-consuming and expensive litigation the enforcement of the most clearcut obligations of child support by an obligor's simply moving to another state. In short, it will greatly exacerbate a problem which is already of shameful proportions and which the Uniform Commissioners sought to alleviate by thoughtful legislation subsequently adopted by virtually all state legislatures.

CONCLUSION

The Court should prohibit the dilution of due process by its use to undermine the national legislative effort to enforce lawful support orders uniformly among the several states. The ruling of the court below should be reversed and the case remanded for further proceedings consistent with the view that due process does not prohibit the enforcement in Virginia of a Maryland decree as if the decree had been originally rendered in Virginia.

Accordingly, the petitioner submits that the Court should grant a writ of certiorari to the Supreme Court of Virginia.

Respectfully submitted,



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APPENDIX A

IN THE
SUPREME COURT OF VIRGINIA

NANCY H. SCOTT

-v- Record No. 801871

ANTHONY I. SYLVESTER

OPINION BY JUSTICE
RICHARD H. POFF

April 29, 1983

FROM THE CIRCUIT COURT OF THE CITY
OF VIRGINIA BEACH
Henry L. Lam, Judge

Appellant Nancy H. Scott questions the power of a Virginia court to make retroactive modifications in arrearages in child support payments accrued under a foreign decree.

This appeal is a sequel to one we decided in 1979. In that case, Scott invoked the provisions of the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), Code §§ 20-88.12, et seq., by registering a divorce decree entered by a Maryland court requiring her former husband, Anthony I. Sylvester, to make child support payments of $200.00 per month for each minor child. Scott claimed $9,160.50 in arrearages, most of which had accrued before Sylvester moved to Virginia. The trial court construed Code § 20-88.18 as a limitation upon its jurisdiction to enforce payment of arrearages accrued while Sylvester resided out-of-state and disallowed all but $655.00 of her claim. We held that jurisdiction extended to the full amount of arrearages accruing under the Maryland decree, reversed the judgment, and remanded the cause for further proceedings. Scott v. Sylvester, 220 Va. 182, 257 S.E.2d 774 (1979).

Upon remand, the trial judge conducted two hearings and issued a letter opinion dated June 10, 1980. The judge found that Scott's claim totalled $16,200.00. Against this total, he offset $6,073.50 in payments Scott acknowledged Sylvester had made to her. He also allowed

Sylvester $2,086.20 in credits for certain payments he had made directly to the children or to others for their benefit. Other such credits claimed by Sylvester were disallowed on the ground they were gifts. The evidence showed that Sylvester had been employed for six months in 1975 and that the children had spent several months in his custody over the years in question. For these intervals, the court reduced the quantum of the monthly payments decreed by the Maryland court and allowed Sylvester a credit of $2,915.00. Applying these several credits against Scott's claim, the court concluded that Sylvester was delinquent in the sum of $5,115.30.

In a final decree entered August 22, 1980, nunc pro tunc June 10, 1980, the trial court held that "the defendant's arrearage should be retroactively modified pursuant to the law of Maryland by the various amounts set forth in the attached letter opinion" and awarded Scott judgment for the net arrearages, interest in the sum of $1,450.50, and an attorney's fee in the sum of $1,131,84.

In ruling on Scott's first appeal, we discussed at length the purposes and legislative history of RURESA. See 220 Va. at 185-86, 257 S.E.2d at 775-76. We recognized that a foreign support order registered pursuant to Code § 20-88.30:5 "shall be treated in the same manner as a support order issued by a court of this State." Code § 20-88.30:6(a). But we had no occasion to decide, as we must now, whether this statutory provision mandates the application of Maryland or Virginia law to assess the amount of arrearages actually due Scott under her claim.

The choice of law is crucial. Under Virginia law, a court lacks authority to relieve a delinquent spouse of the obligation to pay accrued installments of child support. The reasoning underlying this rule is that each installment becomes a vested property right the moment it falls due and, as such, is immune from modification. Cofer v. Cofer, 205 Va. 834, 839, 140 S.E.2d 663, 667 (1965); accord Fearon v. Fearon, 207 Va. 927, 932, 154 S.E.2d 165, 168 (1967). Under Maryland law, however, "child support payments (like alimony) may be modified with respect to such payments as have accrued as well as those not yet due." Johnson v. Johnson, 241 Md. 416, 420, 216 A.2d 914, 917 (1966).

Scott asserts that "the plain, unqualified language and intent of § 20-88.30:6(a)" subjects the registered Maryland decree to Virginia law for all purposes. She urges that "the ruling of the lower court retroactively modifying the arrearages . . . must be reversed" because a support order entered by a Virginia court cannot be so modified. Sylvester counters that the statute should be construed "to give a foreign support order equal dignity in procedural enforcement, not in substantive application." He reasons that, in taking evidence during the Virginia enforcement proceeding of the need for retroactive modification, the judge properly afforded him the same opportunity he would have had in a Maryland court to challenge his obligation under the decree.

This Court has enunciated the guiding principles in Alig v. Alig, 220 Va. 80, 255 S.E.2d 494 (1979). That case involved a suit in Virginia for enforcement of the alimony provisions of a Maryland divorce decree and for payment of arrearages. Acknowledging that the modifiable Maryland decree lacked the quality of finality contemplated by the full faith and credit clause, U.S. Const. art. IV, § 1, we reaffirmed our approval of the comity doctrine, which allows our courts to give such a decree "the same force and effect as if it had been entered in Virginia". 220 Va. at 84, 225 S.E.2d at 497 (quoting McKeel v. McKeel, 185 Va. 108, 113, 37 S.E.2d 746, 749 (1946)). We admonished, however, that

> [i]n enforcing a foreign decree for alimony arrearages under the comity doctrine, due process requires that a court consider any questions of modification raised by either party which could have been presented to the courts of the state where the decree was originally entered. Griffin v. Griffin, 327 U.S. 220, 233-34 (1946); Worthley v. Worthley, [44 Cal.2d 465,] 468-74, 283 P.2d [19,] 22-25 [(1955)].

220 Va. at 84-85, 255 S.E.2d at 497.

The registration privilege of RURESA extends to "any judgment, decree, or order of support . . . whether temporary or final, or subject to modification". Code § 20-88.13(14). Once the statutory requirements for registration are met, the foreign support order "shall be treated in the same manner as a support order issued by

a [Virginia] court". Code § 20-88.30:6(a). This mandatory provision substantially parallels our language in McKeel and Alig where we applied the discretionary principle of comity. Since RURESA compels the enforcement in Virginia of a registered, though modifiable, foreign decree, it is all the more essential that the parties subject to its terms be accorded all the substantive rights regarding modification granted them in the issuing state.

We hold that due process requires no less. Accordingly, we conclude that the trial judge was correct in applying Maryland law to the retroactive modification issue raised in the proceedings below.

Scott challenges not only the retroactive reductions in the installments due for certain time periods, but also the credits allowed for certain payments Sylvester made for the benefit of the children but not directly to Scott. The registered Maryland decree ordered Sylvester to "pay to [Scott] for the maintenance and support of [the] minor children the sum of Two Hundred Dollars ($200.00) per month, per child". Scott contends that under Newton v. Newton, 202 Va. 515, 519, 118 S.E.2d 656, 659 (1961), Sylvester was obligated "to pay the specified amounts according to the terms of the decree", and that the trial judge erred in allowing him credit for payments made in any other manner. Citing Virginia authority distinguishing Newton, Sylvester says the credits were appropriate because they represented payments "for the benefit of the children, disbursed at [Scott's] direction and in some cases requested directly by the sending of bills".

The parties' reliance on Virginia authority is misplaced. Like the question of retroactive modification, the question whether Sylvester was strictly bound to the payment terms of the Maryland decree must be resolved under Maryland law. In Bradford v. Futrell, 225 Md. 512, 519, 171 A.2d 493, 497 (1961), the Court of Appeals of Maryland, considering the same arguments the parties raise here, upheld a chancellor's allowance of credits for "payments made [by the father] to the children but received by [the mother] and applied to the maintenance of the children".

The findings of the trial judge here are set out in painstaking detail in his letter opinion. It is evident he took meticulous care in examining the financial records

submitted by the parties to determine not only the accuracy of the figures but also the purpose underlying the various disbursements. Bradford provides ample authority for his allowance of credits to Sylvester, and we will not disturb his findings.

We find no error in the court below, and we will affirm the decree.

Affirmed.

APPENDIX B

Code of Virginia, 1950, as amended.

§ 20-88.30:6. Same; effect of registered order; petition to vacate; hearing; staying enforcement. - (a) Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this State. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this State and may be enforced and satisfied in like manner.

Revised Uniform Reciprocal Enforcement of Support Act

§ 40. Effect of Registration; Enforcement Procedure (a) Upon registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this State. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this State and may be enforced and satisfied in like manner.